1 2 UNITED STATES DISTRICT COURT 3 NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION 4 5 ILLUMINA, INC. and Case No. 3:19-cv-03770-WHO (TSH) 6 ILLUMINA CAMBRIDGE LTD., Case No. 3:20-cv-01465-WHO (TSH) 7 **VERDICT FORM** Plaintiffs, 8 v. 9 BGI GENOMICS CO., LTD., BGI AMERICAS CORP., 10 MGI TECH CO., LTD., MGI AMERICAS, INC., and 11 COMPLETE GENOMICS INC., 12 Defendants. 13 COMPLETE GENOMICS INC., 14 Counterclaim-Plaintiff, 15 v. 16 ILLUMINA, INC. and ILLUMINA CAMBRIDGE LTD., 17 Counterclaim-Defendants. 18 19 20 21 22 23 24 25 26 27

Case 3:19-cv-03770-WHO Document 522 Filed 11/19/21 Page 2 of 15

When answering the following questions and filling out this Verdict Form, please follow the
directions provided throughout the form. Your answer to each question must be unanimous. Some of
the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please
refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears
in the questions below.
As used herein:
1. "Plaintiff" or "Illumina" refers to Illumina, Inc. and Illumina Cambridge Ltd.
2. "Defendant" or "Defendants" refers to BGI Genomics Co. Ltd., BGI Americas Corp.,
MGI Tech Co., Ltd., MGI Americas, Inc., and Complete Genomics, Inc.
We, the jury, unanimously agree to the answers to the following questions and return them under
the instructions of this court as our verdict in this case.

1	FINDINGS ON INFRINGEMENT
2	(Instruction Pages 17–19)
3	The questions regarding infringement should be answered regardless of your findings with
4	respect to the validity or invalidity of the patent.
5	A. <u>U.S. Patent No. 7,541,444 (the "'444 Patent")</u>
6	1. Has Illumina proven that it is more likely than not that Defendants induced the infringement of any of the following claims of the '444 Patent?
7 8	For each of the claims below, please check "Yes" (for Illumina) or "No" (for Defendants).
9	Yes (Illumina) No (Defendants)
10	
11	a. Claim 3
12 13	2. Has Illumina proven that it is more likely than not that Defendants contributed to the infringement of any of the following claims of the '444 Patent?
14	For each of the claims below, please check "Yes" (for Illumina) or "No" (for Defendants).
15	
16	Yes (Illumina) No (Defendants)
17	a. Claim 3
18	
19	
20	
21	
22	
23	
24	
25	
26	

1		B. <u>U</u>	J.S. Patent No. 7,77	1,973 (the "'973 Patent")	
2						
3	3.			t it is more likely tha following claims of the '9	n not that Defendants	s induced the
4			-	_		. C . 1)
5		For each	of the claims below	, please check "Yes" (for	Illumina) or "No" (for D	efendants).
6				Vac (Illumina)	No (Defendants)	
7				Yes (Illumina)	No (Defendants)	
8		a.	Claim 13			
9	4.	Has Illu	mina proven that i	it is more likely than n	ot that Defendants cont	ributed to the
10		infringe	ment of any of the f	ollowing claims of the '9	973 Patent?	
11		For each	of the claims below	, please check "Yes" (for	Illumina) or "No" (for D	efendants).
12						
13				Yes (Illumina)	No (Defendants)	
14		a.	Claim 13			
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
- 1	11					

1		C. <u>I</u>	J.S. Patent No. 7,5	66,537 (the "'537 Patent")	
2	5.	Has Illu infringe	ımina proven the	at it is more likely tha following claims of the '5	nn not that Defendants 537 Patent?	induced the
For each asserted claim, please check "Yes" (for Illumina) or "No" (for Defendants).						
5				Yes (Illumina)	No (Defendants)	
6		a.	Claim 1			
7		b.	Claim 4			
8		c.	Claim 6			
9		C.	Cium o			
10 11		Haa Illaa		. it is man libely then n	at that Dafordanta contr	:hudad ta tha
12	6.	infringe	ment of any of the	it is more likely than no following claims of the '5	of that Defendants contr 337 Patent?	ibuted to the
13		For each	asserted claim, pl	ease check "Yes" (for Illun	nina) or "No" (for Defendo	ants).
14				Yes (Illumina)	No (Defendants)	
15		a.	Claim 1			
16 17		b.	Claim 4			
18		c.	Claim 6			
19						
20						
21						
22						
23						
24 25						
26						
27						
28						

1		D. <u>U</u>	J.S. Patent No. 9,41	0,200 (the "'200 Patent")	
2						
3	7.			t it is more likely tha		nts induced the
4			-	following claims of the '2		
5		For each	n of the claims below	v, please check "Yes" (for	Illumina) or "No" (for	Defendants).
6				Vac (Illumina)	No (Defendants)	
7				Yes (Illumina)	No (Defendants)	
8		a.	Claim 11			
9		b.	Claim 19			
10						
11	8.	Has Illu	mina proven that	it is more likely than n	ot that Defendants co	ntributed to the
12		infringe	ment of any of the	following claims of the '2	200 Patent?	
13		For each	of the claims below	v, please check "Yes" (for	Illumina) or "No" (for	Defendants).
14						
15				Yes (Illumina)	No (Defendants)	
16		a.	Claim 11			
17		b.	Claim 19			
18		0.	Ciunii 19			
19						
20						
21						
22						
23						
24						
25						
26						

	1					
1		E. <u>U.</u>	S. Patent No. 10,480	0,025 (the "'025 Patent")		
2						
3	9.	Has Illui	mina proven that	it is more likely than llowing claims of the '025	not that Defendants inc	duced the
4			-	_	umina) or "No" (for Defend	dants)
5		1 or each (of the claims below,	pieuse check Tes (Joi III	umma) or 110 yor Dejend	ianis).
6				Yes (Illumina)	No (Defendants)	
7 8		a.	Claim 1			
9		b.	Claim 9			
10		c.	Claim 27			
11 12		d.	Claim 31			
13		e.	Claim 33			
14		f.	Claim 34			
15 16		g.	Claim 42			
17		h.	Claim 47			
18		i.	Claim 50			
19	10.	Has Illun	nina proven that it	is more likely than not illowing claims of the '025	that Defendants contribu	ted to the
20 21			•		umina) or "No" (for Defend	dants).
$\begin{bmatrix} 21 \\ 22 \end{bmatrix}$				·	, ,	,
23				Yes (Illumina)	No (Defendants)	
24		a.	Claim 1			
25		b.	Claim 9			
26		c.	Claim 27			
2728		d.	Claim 31			

Case 3:19-cv-03770-WHO Document 522 Filed 11/19/21 Page 8 of 15

1				Yes (Illumina)	No (Defendants)
2			Cl.: 22		
3	e	2.	Claim 33		
4	f		Claim 34		
5	٤	<u>.</u>	Claim 42		
6	l l	1.	Claim 47		
7					
8	i	•	Claim 50		
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
	II.				

27

1		Fl	INDINGS ON INVALIDITY
2		(Instruction Pages 21–28)	
3		The questions regarding valid	dity or invalidity should be answered regardless of your findings
4	with 1	respect to the infringement of th	e patent.
5		A. The '444 Patent	
6	11.	Have Defendants proven by	clear and convincing evidence that any of the following claims
7		of the '444 Patent are invalid	
8		For each asserted claim, pleas	se check "Yes" (for Defendants) or "No" (for Illumina).
9			Yes (Defendants) No (Illumina)
10		a. Claim 3	
11			
12		B. The '973 Patent	
13	12.	Have Defendants proven by	clear and convincing evidence that any of the following claims
14	of the '973 Patent are inva		
15		For each asserted claim, pleas	se check "Yes" (for Defendants) or "No" (for Illumina).
16			Yes (Defendants) No (Illumina)
17		a. Claim 13	
18		a. Claim 13	
19	13.	Have Defendants proven by	clear and convincing evidence that any of the following claims
20			d for failure to satisfy the written description requirement?
21		For each asserted claim, pleas	se check "Yes" (for Defendants) or "No" (for Illumina).
22			Yes (Defendants) No (Illumina)
23		a. Claim 13	
24		a. Ciaiiii 13	
25	14.		clear and convincing evidence that any of the following claims d for failure to satisfy the enablement requirement?
26			se check "Yes" (for Defendants) or "No" (for Illumina).
27		, p. Com.	0
28			

			Vac (Defendants)	No (Illumina)
			res (Defendants)	No (Illumina)
	a.	Claim 13		
	C. <u>Tr</u>	ne '537 Patent		
15.	Have Def	endants proven by cl	lear and convincing evid	lence that any of the following claims
				James as "No" (for Illowing)
	ror each o	asseriea ciaim, piease	e check Tes (for Defend	aanis) or No (jor mumina).
			Yes (Defendants)	No (Illumina)
	a.	Claim 1		
	b.	Claim 4		
	c.	Claim 6		
16.				
	For each o	asserted claim, please	check "Yes" (for Defend	dants) or "No" (for Illumina).
			Yes (Defendants)	No (Illumina)
	a.	Claim 1		
	b.	Claim 4		
	c.	Claim 6		
17.				
	For each o	asserted claim, please	check "Yes" (for Defend	dants) or "No" (for Illumina).
			W (D C 1)	N. (III)
			Yes (Defendants)	No (Illumina)
	a.	Claim 1		
	b.	Claim 4		
	c.	Claim 6		
	16.	a. b. C. The state of the '53 For each of the '53	C. The '537 Patent 15. Have Defendants proven by condition of the '537 Patent are invalid and asserted claim, please and asserted claim and asserted claim and asserted claim and asserted claim and asserted claim, please and asserted claim are invalid asserted claim and asserted claim, please and asserted claim and asserted asserted claim and asserted asserted claim and asserted asserted asserted claim and asserted asserted asserted claim and asserted asser	C. The '537 Patent 15. Have Defendants proven by clear and convincing evid of the '537 Patent are invalid as obvious? For each asserted claim, please check "Yes" (for Defendants) a. Claim 1 b. Claim 4 c. Claim 6 16. Have Defendants proven by clear and convincing evid of the '537 Patent are invalid for failure to satisfy the For each asserted claim, please check "Yes" (for Defendants) a. Claim 1 b. Claim 4 c. Claim 6 17. Have Defendants proven by clear and convincing evid of the '537 Patent are invalid for failure to satisfy the For each asserted claim, please check "Yes" (for Defendants) a. Claim 1 b. Claim 4 C. Claim 6 17. Have Defendants proven by clear and convincing evid of the '537 Patent are invalid for failure to satisfy the For each asserted claim, please check "Yes" (for Defendants) a. Claim 1 b. Claim 4

1		D.	The '200 Patent			
2	18.		Defendants proven by 200 Patent are inval	y clear and convincing evi	dence that any of the fo	ollowing claims
3						
4		ror eac	en asseriea ciaim, pie	ase check "Yes" (for Defen	iaanis) or No (jor iiia	mina).
5				Yes (Defendants)	No (Illumina)	
6		a.	Claim 11			
7		b.	Claim 19			
8 9	19.			y clear and convincing evi lid for failure to satisfy the		
10				ase check "Yes" (for Defen	•	•
11			, , , , , , , , , , , , , , , , , , ,	()	(
12				Yes (Defendants)	No (Illumina)	
13		a.	Claim 11			
14		b.	Claim 19			
15	20	TT T	N. C 1 4 1.	.11	1	.11.
16	20.			y clear and convincing evi lid for failure to satisfy the		
17		For eac	ch asserted claim, ple	ase check "Yes" (for Defen	ndants) or "No" (for Illu	ımina).
18				Yes (Defendants)	No (Illumina)	
19				res (Berendants)	Tio (mamma)	
20		a.	Claim 11			
21		b.	Claim 19			
22		E.	The '025 Patent			
23 24	21.	Have I	Defendants proven b 1025 Patent are inval	y clear and convincing evi lid as obvious?	dence that any of the fo	ollowing claims
25		For eac	ch asserted claim, ple	ase check "Yes" (for Defen	ndants) or "No" (for Illu	ımina).
26			-		,	
27				Yes (Defendants)	No (Illumina)	
28		a.	Claim 1			
-						

Case 3:19-cv-03770-WHO Document 522 Filed 11/19/21 Page 12 of 15

1				Yes (Defendants)	No (Illumina)	
2				res (Berendants)	110 (mamma)	
3		b.	Claim 9			_
4		c.	Claim 27			_
5		d.	Claim 31			_
6		e.	Claim 33			
7						_
8		f.	Claim 34			_
9		g.	Claim 42			_
10		h.	Claim 47			_
11		i.	Claim 50			
12						_
13				n and contrincing arri	idence that any of th	a fallowing claims
	22. F	Iave Defen f the '025]	dants proven by clea Patent are invalid for	r failure to satisfy the	e written description	n requirement?
14			dants proven by clea Patent are invalid for serted claim, please cl			
14 15				heck "Yes" (for Defen	ndants) or "No" (for	
14 15 16			serted claim, please cl			
14 15 16 17				heck "Yes" (for Defen	ndants) or "No" (for	
14 15 16 17		or each as:	serted claim, please cl	heck "Yes" (for Defen	ndants) or "No" (for	
14 15 16 17 18		or each as: a.	serted claim, please ch Claim 1	heck "Yes" (for Defen	ndants) or "No" (for	
14 15 16 17 18 19		a. b. c.	serted claim, please ch Claim 1 Claim 9 Claim 27	heck "Yes" (for Defen	ndants) or "No" (for	
14 15 16 17 18 19 20 21		a. b. c. d.	Claim 1 Claim 9 Claim 27 Claim 31	heck "Yes" (for Defen	ndants) or "No" (for	
14 15 16 17 18 19 20 21 22		a. b. c.	Claim 1 Claim 9 Claim 27 Claim 31 Claim 33	heck "Yes" (for Defen	ndants) or "No" (for	
14 15 16 17 18 19 20 21 22 22 23		a. b. c. d.	Claim 1 Claim 9 Claim 27 Claim 31	heck "Yes" (for Defen	ndants) or "No" (for	
14		a. b. c. d.	Claim 1 Claim 9 Claim 27 Claim 31 Claim 33	heck "Yes" (for Defen	ndants) or "No" (for	
14 15 16 17 18 19 20 21 22 23 24 25		a. b. c. d. e.	Claim 1 Claim 9 Claim 27 Claim 31 Claim 33 Claim 34	heck "Yes" (for Defen	ndants) or "No" (for	
14 15 16 17 18 19 20 21 222 23 224 225 226		a. b. c. d. e. f. g.	Claim 1 Claim 9 Claim 27 Claim 31 Claim 33 Claim 34 Claim 42 Claim 47	heck "Yes" (for Defen	ndants) or "No" (for	
14 15 16 17 18 19 20 21 22 23 24 25		a. b. c. d. e. f.	Claim 1 Claim 9 Claim 27 Claim 31 Claim 33 Claim 34 Claim 42	heck "Yes" (for Defen	ndants) or "No" (for	

1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	

28

23. Have Defendants proven by clear and convincing evidence that any of the following claims of the '025 Patent are invalid for failure to satisfy the enablement requirement?

For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

		Yes (Defendants)	No (Illumina)
a.	Claim 1		
b.	Claim 9		
c.	Claim 27		
d.	Claim 31		
e.	Claim 33		
f.	Claim 34		
g.	Claim 42		
h.	Claim 47		
i.	Claim 50		

1		FINDINGS ON DAMAGES
2		ctions: If you answered "No" as to invalidity for at least one of the asserted claims, please answer ions 29 and 30 below. Otherwise, skip to the last page and sign the verdict form.
4	<u>Dam</u>	ages (Instruction Pages 20, 29–36)
5	24.	What sum of money, if any, would fairly and reasonably compensate Illumina for Defendants' infringement from early 2014 through June 2020?
6 7	Answ	ver in dollars.
8		\$
9		
10	Willf	<u>Ful Infringement</u> (Instruction Page 20)
11	25. Has Illumina proven that it is more likely than not that Defendants' infringement	
12		willful?
13		"Yes" is a finding that Defendants have willfully infringed. "No" is a finding that Defendants has not willfully infringed.
14		
15		Yes No
16		
17		
18		
19		
20		
21		
2223		
23 24		
24 25		
23 26		
20 27		
28		
_0	1	

VERDICT FORM

Case 3:19-cv-03770-WHO Document 522 Filed 11/19/21 Page 15 of 15

1 2 3	your unanimous determinations. The Presiding Juror should then sign spaces below and notify the Courtroom Deputy that you have reache should retain possession of the verdict form and bring it when the courtroom.	and date the verdict form in the ed a verdict. The Presiding Juror
4	Date: By:	
5		ing Juror
6		
7		
8		
9		
10		
11		
12		
13		
14	14	
15	15	
16	16	
17	17	
18	18	
19		
20		
21		
22		
23		
24		
25	25	
26	26	
27	27	
28	28	